

REMARKS

In the parent application of the subject RCE application, applicants had presented composition claims 1 to 4. In response to an action on the merits for the composition claims, applicants amended the claims to process claims. The Examiner has taken the position that composition claims have been constructively elected, that amendment to process claims amounts to the withdrawal from consideration of these composition claims and that, since there are no claims to the elected invention (i.e., the composition claims are the elected invention, not the process claims), the submission of process claims in response to the last Office Action is non-responsive.

In this regard, applicants now submit an RCE and request to enter amendments made in the parent. Through these amendments, applicants are submitting process claims for examination. While applicants reserve the right to file a possible divisional case directed to composition claims in the future, at this time applicants do not believe such composition claims will be pursued.

With regard to the elected process claims, amendments made (and hopefully now entered) are completely supported by language in the parent specification and no new matter is added by the amendment and presentation of the claims.

Specifically, "a process for generating foam" is supported at page 5, lines 7-8 and page 12, line 21; "from a single chamber compartment" is supported at page 10, lines 1-2; wherein the composition comprises "a non-aqueous personal wash composition" is supported at page 5, line 9 and page 16, line 5. A foam enhancing system comprising alkalimetal bicarbonate and C₄-C₂₄ fatty acid is supported at page 10, lines 1 to 4; the "preparing" of compositions is supported at page 13, line 3 and "diluting" compositions so they will generate at least 25 cc foam after 30 seconds is supported at page 14, lines 8 to 20. Thus, as noted, the process claims are fully supported by the specification as originally filed.

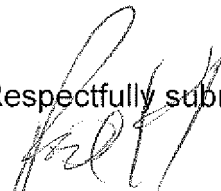
For reasons noted in the Amendment filed October 24, 2006 in relation to references cited against the composition claims (i.e., WO 86/02832 to Ross and Japanese Publication 2000-292008), applicants believe the elected process claims are clearly patentable over the cited art.

Specifically, the foam "system" of the claimed invention is clearly different than the single material used in Ross; and the subject invention only requires that the non-aqueous composition (in the single chamber) be mixed with water rather than that a first cosmetic composition be mixed with a second cosmetic composition as in the Japanese reference.

In view of the process claims and remarks above, it is respectfully requested that the Examiner withdraw the rejection of the claims and that claims now presented by allowed.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,


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201-894-2912